

MANDATE

E.D.N.Y.-Bklyn
19-cv-1467
Dearie, J.
Reyes, M.J.

United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 2nd day of August, two thousand twenty-two.

Present:

José A. Cabranes,
Joseph F. Bianco,
Alison J. Nathan,
Circuit Judges.

Progressive Corporation, et al.,

Petitioners,

v.

22-813

Cecelia Pryce, suing individually on her own behalf
and representatively on behalf of a class of plaintiffs
similarly situated,

Respondent.

Petitioners request, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order granting class certification. They also move for leave to file their petition and an exhibit under seal. Upon due consideration, it is hereby ORDERED that the motion to file under seal is GRANTED, but the Rule 23(f) petition is DENIED because an immediate appeal is not warranted.* *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139–40 (2d Cir. 2001).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 

 

* We grant leave to file the petition and exhibit under seal based primarily on the fact that the confidential parts of those documents are already covered by the district court's protective order and the understanding that any request for access to that confidential information should be made in the underlying proceeding rather than in this auxiliary proceeding. Thus, the present decision should not be considered controlling on that issue in the underlying proceeding.

MANDATE ISSUED ON 08/02/2022